REMARKS

The Office Action mailed March 13, 2006 has been carefully reviewed and the foregoing amendments have been made in consequence thereof.

Applicant notes that originally filed claims 40-44 have been renumbered as Claims 38-42, respectively. Applicant further notes that original Claims 1-37 and renumbered Claims 38-42 have been rejected as discussed below.

Claims 1-31 and 33-42 are now pending in this application. Claims 1-42 stand rejected. Claim 32 has been cancelled.

In accordance with 37 C.F.R. 1.136(a), a three-month extension of time is submitted herewith to extend the due date of the response to the Office Action dated March 13, 2006, for the above-identified patent application from June 13, 2006, through and including September 13, 2006. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of $1,020.00 to cover this extension of time request also is submitted herewith.

The rejection of Claims 6, 14, and 19 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement is respectfully traversed. Claims 6, 14, and 19 have been amended to clarify that grouping customer profiles includes identifying potential customers for targeting a product. Support may be found at least at paragraph [0077] of the present specification. No new matter has been added. For at least the reasons set forth above, Applicant respectfully requests that the Section 112 rejection of Claims 6, 14, and 19 be withdrawn.

The rejection of Claims 1, 3, 5, 6, 8, 9, 11, 16, 17, 23, 25-27, 30, 34, 36 and 41 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is respectfully traversed. Claims 1, 3, 5, 6, 8, 9, 11, 16, 17, 23, 25-27, 30, 34, 36 and 41 are amended to provide antecedent basis, to clarify that customer profiles are grouped and customer list are bidded on, and to clarify that the probabilities represent a likelihood that a corresponding customer will

positively respond to a product offer. No new matter has been added. For at least the reasons set forth above, Applicant respectfully requests that the Section 112 rejection of Claims 1, 3, 5, 6, 8, 9, 11, 16, 17, 23, 25-27, 30, 34, 36 and 41 be withdrawn.

The rejection of Claims 17-21 under 35 U.S.C. § 101 as not being supported by either a specific and substantial asserted utility or a well established utility is respectfully traversed. Independent Claim 17 has been amended to include, *inter alia*, a computer programmed to "calculate for each customer at least one of an expected income from the customer and the timing of purchase of the product based on the calculated probabilities" and "enable the business entity to provide financing for the product dealers." Calculating an expected income and a timing of purchase, and enabling a business entity to provide financing are directed towards a specific and substantial utility of a computer. For at least the reasons set forth above, Applicant respectfully requests that the Section 101 rejection of Claims 17-21 be withdrawn.

The rejection of Claims 21-26 and 40-42 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully traversed. Applicant notes that Claims 21 is not directed to a database comprising data as asserted by the Office Action. Claim 21 is directed to a computer. Moreover, independent Claim 22 has been amended to include a computer program embodied on a computer-readable medium. Furthermore, Claim 40-42 have been amended to include data fields within the database structure. Therefore, Claims 21-26 and 40-42 include structural elements. For at least the reasons set forth above, Applicant respectfully requests that the Section 101 rejection of Claims 21-26 and 40-42 be withdrawn.

The rejection of Claims 1, 4, 6, 7, 9, 12, 27, 28, and 34 under 35 U.S.C. § 103 as being unpatentable over Fisher et al. (U.S. Patent 5,835,896) ("Fisher") in view of Galperin et al. (U.S. Patent 6,993,493) ("Galperin") and Boe et al. (U.S. Patent 6,236,975) ("Boe"), and further in view of Farmer's "Toysmart suspends auction of customer lists" ("Farmer") is respectfully traversed.

Applicant respectfully submits that none of the cited art, considered alone or in combination, describe or suggest the claimed invention. More specifically, at least one of the

differences between the cited references and the claimed invention is that none of the cited art describe or suggest *providing financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product.* (Emphasis added) Notably, Applicant submits that, while the references individually describe one of auctioning items, grouping customer characteristics, calculating propensities for customers to respond to promotions, and auctioning customer lists, none of the cited art describes or suggests providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase a product.

Fisher describes an electronic auction system and method for conducting a multi-person, interactive auction. The system includes a bid validator (21), an auction manager (26), and an electronic mail messenger (27). The bid validator (21) receives customer information via a bid form (20), examines and processes the information, and validates a bid for placing in a bid database (31). The auction manager (26) opens an auction, frequently queries the bid database (31) to detect new bids, calculates a current high bid, updates a bid list, regenerates a merchandise catalog page to reflect new bids, and closes the auction. The electronic mail messenger (27) notifies bidders that have been outbidded.

Notably, Fisher does not even mention generating and auctioning customer lists to dealers. Moreover, Fisher does not describe or suggest calculating a probability for each customer that the corresponding customer will respond positively to a product offer. Further, Fisher does not describe or suggest calculating an expected income from a customer or a timing of purchase of a product based on calculated probabilities. Furthermore, Fisher does not describe or suggest providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase the product.

Galperin describes a method for optimizing cross-selling campaigns by applying a non-linear mathematical solution. The method includes selecting a set (202) of targeting optimizers (TO) projects from a modeling database (200). Each TO project contains promotions and offers, and eligibility information for a selected pool of prospects. Each TO project also includes

substitute offer groups (206), model calibration (204), and eligibility information that are combined with a prospect input. The prospect input is a randomly selected statistically significant *sample (212) portion* of a prospect list from a customer database (210).

A non-linear problem for the selected *sample (212) portion* is solved using an optimization engine (240) to produce a solicitation matrix (250) for calculating an optimal set of offers for *entire* prospect list by considering a vector of propensities (r_i) of a customer to respond to the various promotions. In other words, Galperin determines an optimal set of offers for an *entire* set of prospective customers based on information for a *sample portion* of the prospective customers. Notably, Galperin does not describe or suggest calculating a probability that the corresponding customer will respond positively to a product offer for *each* customer. Moreover, Galperin does not describe or suggest calculating an expected income from a customer or a timing of purchase of a product based on calculated probabilities. Further, Galperin does not describe or suggest providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase the product.

Boe describes a targeted marketing system including a survey system (12), at least one business system (14), and at least one customer system (16) coupled via a network (18). The survey system (12) may prepare a survey and request demographic characteristic information for each specific customer surveyed. Upon completion of a survey by a customer, the survey system (12) may transmit graphical feedback reports to customers. The survey system (12) may also process the supplied information and transmit customized reports to the business system (14).

One report (554) includes a probability of purchase (562) column and a link to a probability profile (564 and 566) indicating attributes in the profile that were shared by users of the customer systems (16) that have the associated probability of purchase. The probability profile (566) includes a probability (568) and profile description (570) showing and grouping the profile attributes, such as demographic data, associated with the set of customers who may share the same probability of purchase. Based on the reports, potential customers that might want to purchase a particular product or service may be identified by the business system (14) to target

marketing efforts. Notably, Boe does not describe or suggest calculating an expected income from a customer or a timing of purchase of a product based on calculated probabilities. Moreover, Boe does not describe or suggest providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase the product.

Farmer describes a potential auctioning of a customer list including customer information, such as home and e-mail addresses, phone numbers, transaction histories, and family profiles. Notably, Farmer does not describe or suggest calculating a probability for each customer that the corresponding customer will respond positively to a product offer. Moreover, Farmer does not describe or suggest calculating an expected income from a customer or a timing of purchase of a product based on calculated probabilities. Further, Farmer does not describe or suggest providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase the product.

To the extent understood, none of Fisher, Galperin, Boe, and Farmer, considered alone or in combination, describes or suggests the claimed invention. Specifically, Claim 1 recites a method for operating a system for auctioning customer lists to dealers, the system is associated with an entity engaged in a business of providing financing, said method including "prompting a user to select at least one customer characteristic for each customer included within a plurality of customers . . . calculating a probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of an early termination model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . .calculating for each customer at least one of an expected income from the customer and the timing of purchase of the product based on the calculated probabilities . . . grouping customer profiles into distinct lists based upon at least one of the selected customer characteristic and calculated probabilities . . . prompting product dealers to bid

on the customer lists . . . and providing financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Galperin, Boe, and Farmer, considered alone or in combination, describes or suggests a method for operating a system for auctioning customer lists to dealers as recited in Claim 1. More specifically, none of Fisher, Galperin, Boe, and Farmer, considered alone or in combination, describes or suggests a method including providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase a product.. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Galperin describes a method including calculating a vector of propensities of a customer to respond to the various promotions; not propensities to early terminate or purchase a product, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, and Farmer merely describes that customer lists may be auctioned. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Fisher in view of Galperin and Boe, and further in view of Farmer.

Claims 4, 6, and 7 depend, directly and indirectly, from independent Claim 1. When the recitations of Claims 4, 6, and 7 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 4, 6, and 7 likewise are patentable over Fisher in view of Galperin and Boe, and further in view of Farmer.

Claim 9 recites a system configured to generate customer lists for auctioning, said system associated with an entity engaged in a business of providing financing, said system including "a server . . . a network . . . at least one computer connected to said server via said network, said server configured to: prompt a user to select at least one customer characteristic for each customer included within a plurality of customers . . . calculate a probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of an early termination

model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, and wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . . calculate for each customer at least one of an expected income from the customer and the timing of purchase of the product based on the calculated probabilities . . . group customer profiles into distinct lists based upon at least one of the selected customer characteristic and the calculated probabilities . . . prompt product dealers to bid on the customer lists . . . and enable the business entity to provide financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Galperin, Boe, and Farmer, considered alone or in combination, describes or suggests a system configured to generate customer lists for auctioning as recited in Claim 9. More specifically, none of Fisher, Galperin, Boe, and Farmer, considered alone or in combination, describes or suggests a system including a server configured to enable a business entity to provide financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase a product. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Galperin describes a method including calculating a vector of propensities of a customer to respond to the various promotions; not propensities to early terminate or purchase a product, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, and Farmer merely describes that customer lists may be auctioned. Accordingly, for at least the reasons set forth above, Claim 9 is submitted to be patentable over Fisher in view of Galperin and Boe, and further in view of Farmer.

Claim 12 depends directly from independent Claim 9. When the recitations of Claim 12 are considered in combination with the recitations of Claim 9, Applicant submits that dependent Claim 12 likewise is patentable over Fisher in view of Galperin and Boe, and further in view of Farmer.

Claim 27 recites a method for performing an auction of pre-selected customer lists, said auction is associated with an entity engaged in a business of providing financing, said method including "prompting a user to select, from an electronic user interface, at least one customer characteristic for each customer included within a plurality of customers . . . calculating a probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer be generated, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of an early termination model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, and wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . . requesting, from the electronic interface, that at least one of an expected income from the customer and the timing of purchase of the product be generated for each customer . . . requesting, from the electronic interface, that customer profiles be grouped into distinct lists based upon at least one of a selected customer characteristic and calculated probabilities . . . prompting a user to select, from an electronic user interface, at least one grouping of customer profiles, based on the selected customer characteristic . . . requesting, from the electronic interface, that a list of customers within the groups meeting the selected characteristic be generated, including the probability for each of the plurality of customers that the corresponding customer will respond positively to the product offer . . . requesting, from the electronic interface, that registered dealers upload bids for dealer selected groups of potential customers . . . and requesting, from the electronic interface, that financing be provided by the business entity for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Galperin, Boe, and Farmer, considered alone or in combination, describes or suggests a method for performing an auction of pre-selected customer lists as recited in Claim 27. More specifically, none of Fisher, Galperin, Boe, and Farmer, considered alone or in combination, describes or suggests a method including requesting, from an electronic interface, that financing be provided by the business entity for product dealers that successfully

bid on customer lists to customers on the customer lists that purchase a product. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Galperin describes a method including calculating a vector of propensities of a customer to respond to the various promotions; not propensities to early terminate or purchase a product, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, and Farmer merely describes that customer lists may be auctioned. Accordingly, for at least the reasons set forth above, Claim 27 is submitted to be patentable over Fisher in view of Galperin and Boe, and further in view of Farmer.

Claim 28 depends directly from independent Claim 27. When the recitations of Claim 28 are considered in combination with the recitations of Claim 27, Applicant submits that dependent Claim 28 likewise is patentable over Fisher in view of Galperin and Boe, and further in view of Farmer.

Claim 34 recites an apparatus associated with an entity engaged in a business of providing financing, said apparatus including "means for prompting a user to select at least one of customer characteristic for each customer included within a plurality of customers . . . means for calculating a probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of an early termination model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, and wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . . means for calculating for each customer at least one of an expected income from the customer and the timing of purchase of the product based on the calculated probabilities . . . means for grouping customer profiles into distinct lists based upon at least one of the selected customer characteristic and calculated probabilities . . . means for prompting product dealers to bid on the customer lists . . . and means for providing financing by the business entity for the

product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Galperin, Boe, and Farmer, considered alone or in combination, describes or suggests an apparatus as recited in Claim 34. More specifically, none of Fisher, Galperin, Boe, and Farmer, considered alone or in combination, describes or suggests an apparatus including means for providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase a product. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Galperin describes a method including calculating a vector of propensities of a customer to respond to the various promotions; not propensities to early terminate or purchase a product, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, and Farmer merely describes that customer lists may be auctioned. Accordingly, for at least the reasons set forth above, Claim 34 is submitted to be patentable over Fisher in view of Galperin and Boe, and further in view of Farmer.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1, 4, 6, 7, 9, 12, 27, 28, and 34 be withdrawn.

The rejection of Claims 8, 16, 17, and 21 under 35 U.S.C. § 103 as being unpatentable over Fisher, Galperin, Boe, and Farmer, and further in view of Reed "Spatial Modeling And Data Mining In Retail" ("Reed") is respectfully traversed.

Applicant respectfully submits that none of the cited art, considered alone or in combination, describe or suggest the claimed invention. More specifically, at least one of the differences between the cited references and the claimed invention is that none of the cited art describe or suggest *providing financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product.* (Emphasis added) Notably, Applicant submits that, while the references individually describe one of auctioning items, grouping customer characteristics, calculating propensities for customers to

respond to promotions, auctioning customer lists, and using a propensity model, none of the cited art describes or suggests providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase a product.

Fisher, Galperin, Boe, and Farmer are described above.

Reed describes developing a propensity model using a HYPERparallel rule induction algorithm, historical customer purchase data, and visitation history. The model gives each customer a score representing a probability of response to a promotional event. The model results are also used as input variables to spatial models such as base maps, travel-time, and regions of influence. Notably, Reed does not describe or suggest calculating for each customer at least one of an expected income from a customer and a probable time of purchase of a product based on the calculated probabilities. Moreover, Reed does not describe or suggest providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase a product.

To the extent understood, none of Fisher, Galperin, Boe, Farmer, and Reed, considered alone or in combination, describes or suggests the claimed invention. As discussed above, Claim 1 recites a method for operating a system for auctioning customer lists to dealers, the system is associated with an entity engaged in a business of providing financing, said method including "prompting a user to select at least one customer characteristic for each customer included within a plurality of customers . . . calculating a probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of an early termination model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . .calculating for each customer at least one of an expected income from the customer and the timing of purchase of the product based on the calculated

probabilities . . . grouping customer profiles into distinct lists based upon at least one of the selected customer characteristic and calculated probabilities . . . prompting product dealers to bid on the customer lists . . . and providing financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Galperin, Boe, Farmer, and Reed, considered alone or in combination, describes or suggests a method for operating a system for auctioning customer lists to dealers as recited in Claim 1. More specifically, none of Fisher, Galperin, Boe, Farmer, and Reed, considered alone or in combination, describes or suggests a method including providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase a product. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Galperin describes a method including calculating a vector of propensities of a customer to respond to the various promotions; not propensities to early terminate or purchase a product, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, Farmer merely describes that customer lists may be auctioned, and Reed describes a propensity model that gives each customer a score representing a probability of the customer's response to a promotional event. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Fisher, Galperin, Boe, and Farmer, and further in view of Reed.

Claim 8 depends directly from independent Claim 1. When the recitations of Claim 8 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claim 8 likewise is patentable over Fisher, Galperin, Boe, and Farmer, and further in view of Reed.

Claim 9 recites a system configured to generate customer lists for auctioning, said system associated with an entity engaged in a business of providing financing, said system including "a server . . . a network . . . at least one computer connected to said server via said network, said server configured to: prompt a user to select at least one customer characteristic for each

customer included within a plurality of customers . . . calculate a probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of an early termination model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, and wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . . calculate for each customer at least one of an expected income from the customer and the timing of purchase of the product based on the calculated probabilities . . . group customer profiles into distinct lists based upon at least one of the selected customer characteristic and the calculated probabilities . . . prompt product dealers to bid on the customer lists . . . and enable the business entity to provide financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Galperin, Boe, Farmer, and Reed, considered alone or in combination, describes or suggests a system configured to generate customer lists for auctioning as recited in Claim 9. More specifically, none of Fisher, Galperin, Boe, Farmer, and Reed, considered alone or in combination, describes or suggests a system including a server configured to enable a business entity to provide financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase the product. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Galperin describes a method including calculating a vector of propensities of a customer to respond to the various promotions; not propensities to early terminate or purchase a product, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, Farmer merely describes that customer lists may be auctioned, and Reed describes a propensity model that gives each customer a score representing a probability of the customer's response to a promotional event. Accordingly, for at least the reasons set forth above, Claim 9 is submitted to be patentable over Fisher, Galperin, Boe, and Farmer, and further in view of Reed.

Claim 16 depends directly from independent Claim 9. When the recitations of Claim 16 are considered in combination with the recitations of Claim 9, Applicant submits that dependent Claim 16 likewise is patentable over Fisher, Galperin, Boe, and Farmer, and further in view of Reed.

Claim 17 recites a "computer configured to use at least one of an early termination model, and propensity and timing models to generate customer lists for auctioning, said computer including a database of customer data, said computer associated with an entity engaged in the business of providing financing, said computer programmed to: prompt a user to select at least one customer characteristic for each customer included within a plurality of customers . . . calculate a probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of the early termination model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, and wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . . calculate for each customer at least one of an expected income from the customer and the timing of purchase of the product based on the calculated probabilities . . . group customer profiles into distinct lists based upon model output. . . and enable the business entity to provide financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Galperin, Boe, Farmer, and Reed, considered alone or in combination, describes or suggests a computer configured to use at least one of an early termination model, and propensity and timing models to generate customer lists for auctioning as recited in Claim 17. More specifically, none of Fisher, Galperin, Boe, Farmer, and Reed, considered alone or in combination, describes or suggests a computer programmed to enable a business entity to provide financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase a product. Rather, in contrast to the present invention, Fisher

describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Galperin describes a method including calculating a vector of propensities of a customer to respond to the various promotions; not propensities to early terminate or purchase a product, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, Farmer merely describes that customer lists may be auctioned, and Reed describes a propensity model that gives each customer a score representing a probability of the customer's response to a promotional event. Accordingly, for at least the reasons set forth above, Claim 17 is submitted to be patentable over Fisher, Galperin, Boe, and Farmer, and further in view of Reed.

Claim 21 depends directly from independent Claim 17. When the recitations of Claim 21 are considered in combination with the recitations of Claim 17, Applicant submits that dependent Claim 21 likewise is patentable over Fisher, Galperin, Boe, and Farmer, and further in view of Reed.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 8, 16, 17, and 21 be withdrawn.

The rejection of Claims 2, 3, 10, 11, 29, and 30 under 35 U.S.C. § 103 as being unpatentable over Fisher, Boe, Farmer, Galperin, and Reed is respectfully traversed. Applicant notes that Reed was not used in the rejection of independent Claims 1, 9, and 27 as asserted by the Office Action. Therefore, Applicant traverses the rejection based on Fisher, Galperin, Boe, Farmer, and Official Notice.

Applicant respectfully submits that none of the cited art, considered alone or in combination, describe or suggest the claimed invention. More specifically, at least one of the differences between the cited references and the claimed invention is that none of the cited art describe or suggest *providing financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product.* (Emphasis added) Notably, Applicant submits that, while the references individually describe one of auctioning items, grouping customer characteristics, calculating propensities for customers to

respond to promotions, and auctioning customer lists, none of the cited art describes or suggests providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase the product.

Fisher, Galperin, Boe, and Farmer are described above. The Official Notice does not describe or suggest providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase a product.

To the extent understood, none of Fisher, Galperin, Boe, Farmer, and the Official Notice, considered alone or in combination, describes or suggests the claimed invention. As discussed above, Claim 1 recites a method for operating a system for auctioning customer lists to dealers, the system is associated with an entity engaged in a business of providing financing, said method including "prompting a user to select at least one customer characteristic for each customer included within a plurality of customers . . . calculating a probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of an early termination model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . .calculating for each customer at least one of an expected income from the customer and the timing of purchase of the product based on the calculated probabilities . . . grouping customer profiles into distinct lists based upon at least one of the selected customer characteristic and calculated probabilities . . . prompting product dealers to bid on the customer lists . . . and providing financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Galperin, Boe, Farmer, and the Official Notice, considered alone or in combination, describes or suggests a method for operating a system for auctioning customer lists to dealers as recited in Claim 1. More specifically, none of Fisher, Galperin, Farmer, Boe, and

the Official Notice, considered alone or in combination, describes or suggests a method including providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase the product. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Galperin describes a method including calculating a vector of propensities of a customer to respond to the various promotions; not propensities to early terminate or purchase a product, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, and Farmer merely describes that customer lists may be auctioned. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Fisher, Galperin, Boe, Farmer, and the Official Notice.

Claims 2 and 3 depend directly from independent Claim 1. When the recitations of Claims 2 and 3 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2 and 3 likewise are patentable over Fisher, Galperin, Boe, Farmer, and the Official Notice.

As discussed above, Claim 9 recites a system configured to generate customer lists for auctioning, said system associated with an entity engaged in a business of providing financing, said system including "a server . . . a network . . . at least one computer connected to said server via said network, said server configured to: prompt a user to select at least one customer characteristic for each customer included within a plurality of customers . . . calculate a probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of an early termination model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, and wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . . calculate for each customer at least one of an expected income from the customer and the timing of

purchase of the product based on the calculated probabilities . . . group customer profiles into distinct lists based upon at least one of the selected customer characteristic and the calculated probabilities . . . prompt product dealers to bid on the customer lists . . . and enable the business entity to provide financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Galperin, Boe, Farmer, and the Official Notice, considered alone or in combination, describes or suggests a system configured to generate customer lists for auctioning as recited in Claim 9. More specifically, none of Fisher, Galperin, Boe, Farmer, and the Official Notice, considered alone or in combination, describes or suggests a system including a server configured to provide financing for product dealers that successfully bid on customer lists to the customers on customer lists that purchase the product.. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Galperin describes a method including calculating a vector of propensities of a customer to respond to the various promotions; not propensities to early terminate or purchase a product, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, and Farmer merely describes that customer lists may be auctioned. Accordingly, for at least the reasons set forth above, Claim 9 is submitted to be patentable over Fisher, Galperin, Boe, Farmer, and the Official Notice.

Claims 10 and 11 depend directly from independent Claim 9. When the recitations of Claims 10 and 11 are considered in combination with the recitations of Claim 9, Applicant submits that dependent Claims 10 and 11 likewise are patentable over Fisher, Galperin, Boe, Farmer, and the Official Notice.

Claim 27 recites a method for performing an auction of pre-selected customer lists, said auction is associated with an entity engaged in a business of providing financing, said method including "prompting a user to select, from an electronic user interface, at least one customer characteristic for each customer included within a plurality of customers . . . calculating a

probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer be generated, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of an early termination model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, and wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . . requesting, from the electronic interface, that at least one of an expected income from the customer and the timing of purchase of the product be generated for each customer . . . requesting, from the electronic interface, that customer profiles be grouped into distinct lists based upon at least one of a selected customer characteristic and calculated probabilities . . . prompting a user to select, from an electronic user interface, at least one grouping of customer profiles, based on the selected customer characteristic . . . requesting, from the electronic interface, that a list of customers within the groups meeting the selected characteristic be generated, including the probability for each of the plurality of customers that the corresponding customer will respond positively to the product offer . . . requesting, from the electronic interface, that registered dealers upload bids for dealer selected groups of potential customers . . . and requesting, from the electronic interface, that financing be provided by the business entity for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Galperin, Boe, Farmer, and the Official Notice, considered alone or in combination, describes or suggests a method for performing an auction of pre-selected customer lists as recited in Claim 27. More specifically, none of Fisher, Galperin, Boe, Farmer, and the Official Notice, considered alone or in combination, describes or suggests a method including requesting, from the electronic interface, that financing be provided by the business entity for product dealers that successfully bid on customer lists to customers on the customer lists that purchase the product. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Galperin describes a method including calculating a vector of propensities of a customer to respond to the

various promotions; not propensities to early terminate or purchase a product, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, and Farmer merely describes that customer lists may be auctioned. Accordingly, for at least the reasons set forth above, Claim 27 is submitted to be patentable over Fisher, Galperin, Boe, Farmer, and the Official Notice.

Claims 29 and 30 depend, directly or indirectly, from independent Claim 27. When the recitations of Claims 29 and 30 are considered in combination with the recitations of Claim 27, Applicant submits that dependent Claims 29 and 30 likewise are patentable over Fisher, Galperin, Boe, Farmer, and the Official Notice.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 2, 3, 10, 11, 29, and 30 be withdrawn.

The rejection of Claims 5, 13-15, 18 and 19 under 35 U.S.C. § 103 as being unpatentable over Fisher, Boe, Farmer, Galperin, and Reed, and further in view of Bisgaard-B hr et al. (U.S. Patent 6,947,878) ("Bisgaard-B hr") as applied to claims 1, 9, and 27 is respectfully traversed. Applicant notes that Reed was not used in the rejection of independent Claims 1 and 9, but was used in the rejection of independent Claim 17. Therefore, Applicant traverses the rejection based on Fisher, Galperin, Boe, Farmer, Reed, and Bisgaard.

Applicant respectfully submits that none of the cited art, considered alone or in combination, describe or suggest the claimed invention. More specifically, at least one of the differences between the cited references and the claimed invention is that none of the cited art describe or suggest *providing financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product.* (Emphasis added) Notably, Applicant submits that, while the references individually describe one of auctioning items, grouping customer characteristics, calculating propensities for customers to respond to promotions, auctioning customer lists, using a propensity model, and using a model to cluster customer transaction data, none of the cited art describes or suggests providing financing

for product dealers that successfully bid on customer lists to customers on the customer lists that purchase a product.

Fisher, Galperin, Boe, Farmer, and Reed are described above.

Bisgaard-B hr describes using a Gaussian Mixture Model to cluster customer transaction data. The customer data is grouped into customer segments according to behavioral similarities of customers. By offering an insight into a shopping behavior of individuals and groups, the customer segments may serve as a basis for potential merchandising or marketing campaigns. Notably, Bisgaard-B hr does not describe or suggest calculating for each customer at least one of an expected income from a customer and a probable time of purchase of a product based on the calculated probabilities. Moreover, Bisgaard-B hr does not describe or suggest providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase the product

To the extent understood, none of Fisher, Galperin, Farmer, Boe, Reed, and Bisgaard-B hr, considered alone or in combination, describes or suggests the claimed invention. As discussed above, Claim 1 recites a method for operating a system for auctioning customer lists to dealers, the system is associated with an entity engaged in a business of providing financing, said method including "prompting a user to select at least one customer characteristic for each customer included within a plurality of customers . . . calculating a probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of an early termination model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . .calculating for each customer at least one of an expected income from the customer and the timing of purchase of the product based on the calculated probabilities . . . grouping customer profiles into distinct lists

based upon at least one of the selected customer characteristic and calculated probabilities . . . prompting product dealers to bid on the customer lists . . . and providing financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Galperin, Farmer, Boe, Reed, and Bisgaard-B hr, considered alone or in combination, describes or suggests a method for operating a system for auctioning customer lists to dealers as recited in Claim 1. More specifically, none of Fisher, Galperin, Farmer, Boe, Reed, and Bisgaard-B hr, considered alone or in combination, describes or suggests a method including providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase the product. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Galperin describes a method including calculating a vector of propensities of a customer to respond to the various promotions; not propensities to early terminate or purchase a product, Farmer merely describes that customer lists may be auctioned, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, Reed describes a propensity model that gives each customer a score representing a probability of the customer's response to a promotional event, and Bisgaard-B hr describes using a Gaussian Mixture Model to cluster customer transaction data. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Fisher, Galperin, Boe, Farmer, and Reed, and further in view of Bisgaard-B hr.

Claim 5 depends directly from independent Claim 1. When the recitations of Claim 5 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claim 5 likewise is patentable over Fisher, Boe, Farmer, Galperin, and Reed, and further in view of Bisgaard-B hr.

As discussed above, Claim 9 recites a system configured to generate customer lists for auctioning, said system associated with an entity engaged in a business of providing financing, said system including "a server . . . a network . . . at least one computer connected to said server

via said network, said server configured to: prompt a user to select at least one customer characteristic for each customer included within a plurality of customers . . . calculate a probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of an early termination model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, and wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . . calculate for each customer at least one of an expected income from the customer and the timing of purchase of the product based on the calculated probabilities . . . group customer profiles into distinct lists based upon at least one of the selected customer characteristic and the calculated probabilities . . . prompt product dealers to bid on the customer lists . . . and enable the business entity to provide financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Galperin, Farmer, Boe, Reed, and Bisgaard-B hr, considered alone or in combination, describes or suggests a system configured to generate customer lists for auctioning as recited in Claim 9. More specifically, none of Fisher, Galperin, Farmer, Boe, Reed, and Bisgaard-B hr, considered alone or in combination, describes or suggests a system including a server configured to enable a business entity to provide financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Galperin describes a method including calculating a vector of propensities of a customer to respond to the various promotions; not propensities to early terminate or purchase a product, Farmer merely describes that customer lists may be auctioned, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, Reed describes a propensity model that gives each customer a score representing a probability of the customer's response to a promotional event, and Bisgaard-B hr describes using a Gaussian

Mixture Model to cluster customer transaction data. Accordingly, for at least the reasons set forth above, Claim 9 is submitted to be patentable over Fisher, Galperin, Boe, Farmer, and Reed, and further in view of Bisgaard-B hr

Claim 13-15 depend, directly or indirectly, from independent Claim 9. When the recitations of Claims 13-15 are considered in combination with the recitations of Claim 9, Applicant submits that dependent Claims 13-15 likewise are patentable over Fisher, Galperin, Boe, Farmer, and Reed, and further in view of Bisgaard-B hr.

Claim 17 recites a "computer configured to use at least one of an early termination model, and propensity and timing models to generate customer lists for auctioning, said computer including a database of customer data, said computer associated with an entity engaged in the business of providing financing, said computer programmed to: prompt a user to select at least one customer characteristic for each customer included within a plurality of customers . . . calculate a probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of the early termination model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, and wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . . calculate for each customer at least one of an expected income from the customer and the timing of purchase of the product based on the calculated probabilities . . . group customer profiles into distinct lists based upon model output. . . and enable the business entity to provide financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Galperin, Boe, Farmer, Reed, and Bisgaard-B hr, considered alone or in combination, describes or suggests a computer configured to use at least one of an early termination model, and propensity and timing models to generate customer lists for auctioning as

recited in Claim 17. More specifically, none of Fisher, Galperin, Boe, Farmer, Reed, and Bisgaard-B hr, considered alone or in combination, describes or suggests a computer programmed to calculate financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase a product. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Galperin describes a method including calculating a vector of propensities of a customer to respond to the various promotions; not propensities to early terminate or purchase a product, Farmer merely describes that customer lists may be auctioned, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, Reed describes a propensity model that gives each customer a score representing a probability of the customer's response to a promotional event, and Bisgaard-B hr describes using a Gaussian Mixture Model to cluster customer transaction data. Accordingly, for at least the reasons set forth above, Claim 17 is submitted to be patentable over Fisher, Galperin, Boe, Farmer, and Reed, and further in view of Bisgaard-B hr.

Claims 18 and 19 depend, directly or indirectly, from independent Claim 17. When the recitations of Claims 18 and 19 are considered in combination with the recitations of Claim 17, Applicant submits that dependent Claims 18 and 19 likewise are patentable over Fisher, Galperin, Boe, Farmer, and Reed, and further in view of Bisgaard-B hr.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 5, 13-15, 18, and 19 be withdrawn.

The rejection of Claim 20 under 35 U.S.C. § 103 as being unpatentable over Fisher, Galperin, Boe, Farmer, and Reed is respectfully traversed.

Applicant respectfully submits that none of the cited art, considered alone or in combination, describe or suggest the claimed invention. More specifically, at least one of the differences between the cited references and the claimed invention is that none of the cited art describe or suggest *providing financing for the product dealers that successfully bid on the*

customer lists to the customers on the customer lists that purchase the product. (Emphasis added) Notably, Applicant submits that, while the references individually describe one of auctioning customer lists, grouping customer characteristics, calculating propensities for customers to respond to promotions, and using a propensity model, none of the cited art describes or suggests providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase a product.

Fisher, Galperin, Boe, and Farmer are described above.

Claim 17 recites a "computer configured to use at least one of an early termination model, and propensity and timing models to generate customer lists for auctioning, said computer including a database of customer data, said computer associated with an entity engaged in the business of providing financing, said computer programmed to: prompt a user to select at least one customer characteristic for each customer included within a plurality of customers . . . calculate a probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of the early termination model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, and wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . . calculate for each customer at least one of an expected income from the customer and the timing of purchase of the product based on the calculated probabilities . . . group customer profiles into distinct lists based upon model output. . . and enable the business entity to provide financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Galperin, Boe, Farmer, and Reed, considered alone or in combination, describes or suggests a computer configured to use at least one of an early termination model, and propensity and timing models to generate customer lists for auctioning as recited in Claim

17. More specifically, none of Fisher, Galperin, Boe, Farmer, and Reed, considered alone or in combination, describes or suggests a computer programmed to enable a business entity to provide financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase a product. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Galperin describes a method including calculating a vector of propensities of a customer to respond to the various promotions; not propensities to early terminate or purchase a product, Farmer merely describes that customer lists may be auctioned, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, and Reed describes a propensity model that gives each customer a score representing a probability of the customer's response to a promotional event. Accordingly, for at least the reasons set forth above, Claim 17 is submitted to be patentable over Fisher, Galperin, Boe, Farmer, and Reed.

Claim 20 depend directly from independent Claim 17. When the recitations of Claim 20 are considered in combination with the recitations of Claim 17, Applicant submits that dependent Claim 20 likewise is patentable over Fisher, Galperin, Boe, Farmer, and Reed.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 20 be withdrawn.

The rejection of Claims 22, 23, and 40-42 under 35 U.S.C. § 103 as being unpatentable over Fisher in view of Boe and Farmer is respectfully traversed.

Applicant respectfully submits that none of the cited art, considered alone or in combination, describe or suggest the claimed invention. More specifically, at least one of the differences between the cited references and the claimed invention is that none of the cited art describe or suggest *providing financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product.* (Emphasis added) Notably, Applicant submits that, while the references individually describe one of auctioning items, calculating propensities for customers to respond to promotions, and

auctioning customer lists, none of the cited art describes or suggests providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase a product.

Fisher, Boe, and Farmer are described above.

Claim 22 recites a computer program embodied on a computer-readable medium, said computer program is associated with an entity engaged in a business of providing financing, said computer program including "a section that receives data files and then: prompts a user to select at least one customer characteristic for each customer included within a plurality of customers . . . calculates a probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of an early termination model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, and wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . . calculates for each customer at least one of an expected income from the customer and the timing of purchase of the product based on the calculated probabilities . . . stores data corresponding to groups of customer profiles with distinct behavioral clusters . . . stores data corresponding to bids received for each grouping of customer profiles . . . groups customer profiles into distinct lists based upon at least one of the selected customer characteristic and the calculated probabilities . . . prompts product dealers to bid on the customer lists . . . and enables the business entity to provide financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Boe, and Farmer, considered alone or in combination, describes or suggests a computer program embodied on a computer-readable medium as recited in Claim 22. More specifically, none of Fisher, Boe, and Farmer, considered alone or in combination, describes or suggests a computer program including a section that receives data files and then

enables a business entity to provide financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, and Farmer merely describes that customer lists may be auctioned. Accordingly, for at least the reasons set forth above, Claim 22 is submitted to be patentable over Fisher in view of Boe and Farmer.

Claim 23 depends directly from independent Claim 22. When the recitations of Claim 23 are considered in combination with the recitations of Claim 22, Applicant submits that dependent Claim 23 likewise is patentable over Fisher in view of Boe and Farmer.

Claim 40 recites a database for auctioning customer lists to dealers, said database associated with an entity engaged in a business of providing financing, said database including "a data field including data corresponding to at least one user selected customer characteristic for each customer included within a plurality of customers . . . a data field including data corresponding to a calculated probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of an early termination model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, and wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . . a data field including data corresponding to the probability for each of the plurality of customers to respond positively to the product offer . . . a data field including data, for each customer, corresponding to at least one of a calculated expected income from the customer and the calculated timing of purchase of a product based on the calculated probabilities . . . a data field including data corresponding to customer profiles grouped into distinct lists based upon at least one of the selected customer characteristic and

calculated probabilities . . . a data field including data corresponding to bids received for the customer lists . . . and a data field including data corresponding to financing being provided by the business entity for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Boe, and Farmer, considered alone or in combination, describes or suggests a database for auctioning customer lists to dealers as recited in Claim 40. More specifically, none of Fisher, Boe, and Farmer, considered alone or in combination, describes or suggests a database including a data field including data corresponding to financing being provided by the business entity for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, and Farmer merely describes that customer lists may be auctioned. Accordingly, for at least the reasons set forth above, Claim 40 is submitted to be patentable over Fisher in view of Boe and Farmer.

Claims 41 and 42 depend directly from independent Claim 40. When the recitations of Claims 41 and 42 are considered in combination with the recitations of Claim 40, Applicant submits that dependent Claims 41 and 42 likewise are patentable over Fisher in view of Boe and Farmer.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 22, 23, and 40-42 be withdrawn.

The rejection of Claims 24-26 and 31-33 under 35 U.S.C. § 103 as being unpatentable over Fisher in view of Boe and Farmer, and further in view of Galperin is respectfully traversed.

Applicant respectfully submits that none of the cited art, considered alone or in combination, describe or suggest the claimed invention. More specifically, at least one of the

differences between the cited references and the claimed invention is that none of the cited art describe or suggest *providing financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product.* (Emphasis added) Notably, Applicant submits that, while the references individually describe one of auctioning items, calculating propensities for customers to respond to promotions, auctioning customer lists, and grouping customer characteristics, none of the cited art describes or suggests providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase a product.

Fisher, Boe, Farmer, and Galperin are described above.

As discussed above, Claim 22 recites a computer program embodied on a computer-readable medium, said computer program is associated with an entity engaged in a business of providing financing, said computer program including "a section that receives data files and then: prompts a user to select at least one customer characteristic for each customer included within a plurality of customers . . . calculates a probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of an early termination model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, and wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . . calculates for each customer at least one of an expected income from the customer and the timing of purchase of the product based on the calculated probabilities . . . stores data corresponding to groups of customer profiles with distinct behavioral clusters . . . stores data corresponding to bids received for each grouping of customer profiles . . . groups customer profiles into distinct lists based upon at least one of the selected customer characteristic and the calculated probabilities . . . prompts product dealers to bid on the customer lists . . . and enables the business entity to provide financing for the product dealers that

successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Boe, Farmer, and Galperin, considered alone or in combination, describes or suggests a computer program embodied on a computer-readable medium as recited in Claim 22. More specifically, none of Fisher, Boe, Farmer, and Galperin, considered alone or in combination, describes or suggests a computer program including a section that receives data files and then enables a business entity to provide financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase a product. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, Farmer merely describes that customer lists may be auctioned, and Galperin describes a method including calculating a vector of propensities of a customer to respond to the various promotions; not propensities to early terminate or purchase a product. Accordingly, for at least the reasons set forth above, Claim 22 is submitted to be patentable over Fisher in view of Boe and Farmer, and further in view of Galperin.

Claims 24-26 depend, directly or indirectly, from independent Claim 22. When the recitations of Claims 24-26 are considered in combination with the recitations of Claim 22, Applicant submits that dependent Claims 24-26 likewise are patentable over Fisher in view of Boe and Farmer, and further in view of Galperin.

Claim 31 recites a computer-readable medium associated with an entity engaged in a business of providing financing, said computer-readable medium including "at least one record of customer data for each customer included within a plurality of customers . . . at least one record of at least one customer characteristic selected by a user for each customer included within a plurality of customers . . . a record of a calculated probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer, each probability is calculated based on the selected customer characteristic for the

corresponding customer and using at least one of an early termination model, and propensity and timing models, wherein the early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, and wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . . a record at least one of a calculated expected income from the customer and a calculated timing of purchase of a product for each customer . . . a plurality of rules for matching the selected customer characteristic to the records of customer data . . . at least one record corresponding to a list of customers whose customer data matches the selected customer characteristics . . . a record of bids received on said record corresponding to a list of customers . . . and a record of financing being provided by the business entity for the product dealers that successfully bid on the customer lists to be provided to the customers on the customer lists that purchase the product."

None of Fisher, Boe, Farmer, and Galperin, considered alone or in combination, describes or suggests a computer-readable medium associated with an entity engaged in a business of providing financing as recited in Claim 31. More specifically, none of Fisher, Boe, Farmer, and Galperin, considered alone or in combination, describes or suggests a computer-readable medium including a record of financing for product dealers that successfully bid on customer lists to be provided to customers on the customer lists that purchase a product. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase, Farmer merely describes that customer lists may be auctioned, and Galperin describes a method including calculating a vector of propensities of a customer to respond to the various promotions; not propensities to early terminate or purchase a product. Accordingly, for at least the reasons set forth above, Claim 31 is submitted to be patentable over Fisher in view of Boe and Farmer, and further in view of Galperin.

Claim 32 has been canceled. Claim 33 depends indirectly from independent Claim 31. When the recitations of Claim 33 are considered in combination with the recitations of Claim 31,

Applicant submits that dependent Claim 33 likewise is patentable over Fisher in view of Boe and Farmer, and further in view of Galperin.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 24-26 and 31-33 be withdrawn.

The rejection of Claims 35-39 under 35 U.S.C. § 103 as being unpatentable over Fisher, Galperin, Boe, Farmer, and Official Notice is respectfully traversed.

Applicant respectfully submits that none of the cited art, considered alone or in combination, describe or suggest the claimed invention. More specifically, at least one of the differences between the cited references and the claimed invention is that none of the cited art describe or suggest *providing financing for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product.* (Emphasis added) Notably, Applicant submits that, while the references individually describe one of auctioning customer lists, grouping customer characteristics, and calculating propensities for customers to respond to promotions, none of the cited art describes or suggests providing financing for product dealers that successfully bid on customer lists to the customers on the customer lists that purchase a product.

Fisher, Boe, Farmer, and Galperin are described above. The Official Notice does not describe or suggest calculating for each customer at least one of an expected income from a customer and a probable time of purchase of a product based on the calculated probabilities.

Claim 34 recites an apparatus associated with an entity engaged in a business of providing financing, said apparatus including "means for prompting a user to select at least one of customer characteristic for each customer included within a plurality of customers . . . means for calculating a probability for each of the plurality of customers representing a likelihood that the corresponding customer will respond positively to a product offer, each probability is calculated based on the selected customer characteristic for the corresponding customer and using at least one of an early termination model, and propensity and timing models, wherein the

early termination model identifies prepaying customers within a predetermined period of time before the prepaying customers prepay a loan, and wherein propensity and timing models identify inactive customers who have a propensity to purchase the product offer and the timing of the purchase . . . means for calculating for each customer at least one of an expected income from the customer and the timing of purchase of the product based on the calculated probabilities . . . means for grouping customer profiles into distinct lists based upon at least one of the selected customer characteristic and calculated probabilities . . . means for prompting product dealers to bid on the customer lists . . . and means for providing financing by the business entity for the product dealers that successfully bid on the customer lists to the customers on the customer lists that purchase the product."

None of Fisher, Galperin, Farmer, Boe, and the Official Notice, considered alone or in combination, describes or suggests an apparatus as recited in Claim 34. More specifically, none of Fisher, Galperin, Farmer, Boe, and the Official Notice, considered alone or in combination, describes or suggests an apparatus including means for providing financing for product dealers that successfully bid on customer lists to customers on the customer lists that purchase the product. Rather, in contrast to the present invention, Fisher describes computer implemented electronic auctioning of goods without the aid of a human auctioneer, Galperin describes a method including calculating a vector of propensities of a customer to respond to the various promotions; not propensities to early terminate or purchase a product, Farmer merely describes that customer lists may be auctioned, and Boe describes a targeted marketing system including grouping customers with common characteristics who share a same probability of purchase. Accordingly, for at least the reasons set forth above, Claim 34 is submitted to be patentable over Fisher, Boe, Farmer, Galperin, and the Official Notice.

Claims 35-39 depend, directly or indirectly, from independent Claim 34. When the recitations of Claims 35-39 are considered in combination with the recitations of Claim 34, Applicant submits that dependent Claims 35-39 likewise are patentable over Fisher, Boe, Farmer, Galperin, and the Official Notice.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 35-39 be withdrawn.

Applicant respectfully submit that the Section 103 rejections of the presently pending claims are not proper rejections. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Fisher, Galperin, Farmer, Boe, Reed, Bisgaard-B hr, and the Official Notice, considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Fisher, Galperin, Farmer, Boe, Reed, Bisgaard-B hr, and the Official Notice, because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck , 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such

reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejections are based on a combination of teachings selected in an attempt to arrive at the claimed invention. Since there is no teaching or suggestion in the cited art for the combination, the Section 103 rejections appear to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicant request that the Section 103 rejections be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

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